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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,954	11/21/2000	Andreas Junghans	Beiersdorf 681-KGB 6713-D	1645

7590 11/06/2002
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New York, NY 10017

EXAMINER

AHMAD, NASSER

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 11/06/2002

7

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-2

Office Action Summary

Application No.
09/717,954

Applicant(s)
Junghans et al.

Examiner
Nasser Ahmad

Art Unit
1772



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jun 26, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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1. Claims 1-11 and new claims 12-24 are rejected under 35 USC 112, second paragraph, as being indefinite for reasons of record in paper no. 5, paragraph - 2, mailed on April 5, 2002.
2. Claims 1-2, 5-7 and 9-24 are rejected under 35 USC 102(b) as being anticipated by Luhmann for reasons of record in paper no. 5, paragraph - 6.
3. Applicant's arguments filed June 26, 2002 have been fully considered but they are not persuasive.

Applicant argues that "sheetlike" is descriptive of the "liner materials". This is not deemed to be persuasive because it is still not clear as to what material structure is encompassed by said "sheetlike" phrase. Is it directed to a sheet or not? The specification pages 10-13, discusses the sheet and sheetlike but fails to provide any definition for "sheetlike".

As for the Luhmann reference, contrary to applicants' allegations, it teaches each and every element set forth therein, either expressly or inherently described. Luhmann clearly meets the combination wherein the adhesive sheet is enclosed by the pack and the pack is a release liner as taught in col. 6, lines 6⁺. The release sheet can be a film or paper. Release paper is inherently UV - impermeable. Further, because the release paper is inherently and well known in the art to having silicone release coat hereon, the paper is inherently UV - impermeable with electromagnetic radiation being below 2%.

Thus, in the absence of any evidence to the contrary, it remains the Examiner's position that the claimed invention is anticipated by the prior art of record discussed above.

4. In addition, the following are new ground of rejection.
5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luhmann in view of Riley.

Luhmann relates to adhesive sheets or a stack thereof. The sheets are detachable without residue or destruction by extensive stretching in the direction of their bond plane. The adhesive sheet has at least one side of pressure sensitive adhesive based on elastomer and resin mixture such as styrene block copolymers (abstract; col. 2, lines 40-68). The adhesive sheet can have a release laminate adhered thereto. The release laminate can be stacked or rolled (col. 6, lines 6-22). However, Luhmann fails to teach that the release film is transparent. Riley discloses a material for selective transmission of light, and is used for packaging and/or protecting product that deteriorates when exposed to light rays. The material can be paper or (semi-) transparent material that is coated. Such coated laminate would exhibit some UV- impermeability. Therefore, it would have been obvious to one having ordinary skill in the art to utilize Riley's teaching of using transparent material for packaging and/or protecting products in the invention of Luhmann.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 703-308-4424. The examiner can normally be reached on Monday-Thursday from 7:30 am to 5 pm alternate Friday.

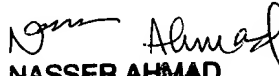
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 703-308-4251. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

N Ahmad/mn
November 5, 2002


NASSER AHMAD
PRIMARY EXAMINER